

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	
	:	
Nathaniel Barkley a/k/a Nathaniel C. Barkley, Jr.,	:	Chapter 13
	:	
Debtor.	:	Case No. 15-13494 (JFK)

**ORDER APPROVING STIPULATION IN SETTLEMENT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, this 16th day of January, 2018, Wells Fargo Bank, N.A (“Movant”) having filed a motion for relief from the automatic stay;

AND Movant and Debtor(s) having entered into a Stipulation in Settlement of Motion for Relief from the Automatic Stay (“Stipulation”) (see Docket Entry No. 79);

AND Movant and Debtor seeking the Court’s approval of their Stipulation;

AND paragraph 12 [insert number of 2nd to last paragraph] of the Stipulation providing:

This stipulation survives any loan modification agreed to and executed during the instant bankruptcy. If any regular monthly mortgage payment due after the execution of a loan modification is more than fifteen (15) days late, Movant shall send Debtor and counsel a written Notice of Default of this Stipulation. If the default is not cured within ten (10) days from the date of the Notice, counsel may file a Certification of Default with the Court and the Court shall enter an Order granting relief from the Automatic Stay and waiving Rule 4001(a)(3) so that Relief Order is immediately effective and enforceable.

Stipulation ¶ 12;

AND paragraph 12 of the Stipulation being vague and confusing in that, taken literally, the provision suggests that the payment schedule in the Stipulation will survive any loan modification;

AND the Court having had the opportunity at a non-related hearing on January 3, 2018, to have a colloquy regarding the language of paragraph 12 with Movant's counsel, Jerome Blank, who clarified that the intent in including this provision in the Stipulation is solely to provide that the procedure set forth in paragraph 12 for "regular monthly mortgage payment[s]" shall continue to apply during the bankruptcy case regardless of whether the parties enter into a loan modification;

AND, based on this clarification, the Court **APPROVING** the Stipulation.¹



HONORABLE JEAN K. FITZSIMON
United States Bankruptcy Judge

¹ The Court urges Mr. Blank to revise the language in his form stipulation in settlement of motion for relief from the automatic stay to resolve the concern raised in this Order.